



Seeking Immigration Reform That Works

By U.S. Sen. John Cornyn

Americans are increasingly frustrated with their federal government, and with good reason. Washington has repeatedly demonstrated an inability to fulfill its most basic responsibilities, such as enforcing our laws.

Now late June, Congress is once again attempting to overhaul our battered immigration system. Repair is long overdue. But because of past performance, critics justifiably are asking: Will any new system be enforceable and restore respect for our laws? Or will it be unenforceable and lead to even more illegality in the future?

This is not a minor matter. America has been history's most successful democracy precisely because it is a nation of laws. But we now have a situation in which some laws are routinely ignored. If we approve yet another law that promises reform, yet again fails to deliver on its promises, our precious heritage will be in serious jeopardy.

Recent experience is not reassuring. In 1986, we approved an amnesty for an estimated 3 million people here illegally, but promised that we would enforce the law in the future. That promise was never honored. Unsurprisingly, we now have at least 12 million here illegally. Millions more are waiting to see how we handle it this time.

Even after 9/11, our record of border enforcement has been sadly lacking. For example, in 2004, demanding better control of our border, Congress approved a Western Hemisphere Travel Initiative that required a U.S. passport starting this spring for anyone visiting Canada, the Caribbean, Bermuda, Mexico and other parts of Latin America.

The State and Homeland Security departments had three full years to prepare for an easily foreseeable flood of new passport applications. However, planning and staffing for the new law was woefully inadequate, leading to chaos and confusion. As a result, the new rules were suspended earlier this month.

This has left many people wondering: If the federal government cannot even handle routine passport applications for U.S. citizens, how can it possibly do thorough background checks and issue visas for millions of foreign-born applicants?

An oversight report last year declared that the U.S. Citizenship and Immigration Services (USCIS) already is overworked and stretched to its breaking point. Under the immigration reform

bill being debated, that USCIS work-load would be tripled—without any significant increase in resources.

For example, the proposed immigration reform bill gives the USCIS all of 24 hours to review every application for a probationary “Z” visa. If 12 million apply as expected, that means USCIS would have to process an average of 48,000 applications every day.

But the USCIS is being set up for failure. It has only 3,000 staffers to process and review applications, including background checks. The current legislation would add only 100 new adjudicators each year for five years. Law enforcement personnel assure me that there is no way a reliable background check could be conducted within 24 hours even if sufficient personnel were available.

Other aspects are equally troubling. The current Senate legislation must learn from the 1986 bill's mistakes, instead of duplicating its errors.

As I talk with Texans through our state, I find them profoundly skeptical about our national commitment to our legacy as a nation of laws. The federal government in recent years has proven that it is not serious about securing our borders and enforcing our laws. Passing yet another law that cannot be enforced will merely add to our broad disillusionment.

I have worked for years to find a common sense solution to our dysfunctional immigration system. I regret that a closed internal process this time has prevented several of my ideas from being considered, and has stopped the U.S. Senate from having a full and fair opportunity to debate and amend the current bill. Even so, I will continue to do my best to pursue a rational immigration policy, one that restores integrity and respect for our laws.

Sen. Cornyn serves on the Armed Services, Judiciary and Budget Committees. In addition, he is Vice Chairman of the Senate Select Committee on Ethics. He serves as the top Republican on the Judiciary Committee's Immigration, Border Security and Refugees subcommittee and the Armed Services Committee's Airland subcommittee. Cornyn served previously as Texas Attorney General, Texas Supreme Court Justice and Bexar County District Judge. For Sen. Cornyn's previous Texas Times columns: www.cornyn.senate.gov/column